
TRUSTEESHIP

PROPOSED TRUSTEESHIP AGREEMENT FOR THE
MANDATED TERRITORY OF RUANDA-URUNDI
SUBMITTED BY THE BELGIAN GOVERNMENT

(Item 12 of the Provisional Agenda for
the Second Part of the First Session)

1. Letter of Transmittal to the Secretary-General
of 23 October 1946.
2. Text of Proposed Agreement

BELGIAN DELEGATION
accredited to
the UNITED NATIONS

Room 3001, 630 Fifth Avenue,

NEW YORK 20, N.Y.

(Tel.: COLUMBUS 5-2377)

23 October 1946

No. 154

Sir,

On the instructions of my Government, I have the honour to transmit to you herewith the draft Trusteeship Agreement for Ruanda-Urundi.

In accordance with Articles 79 and 85 of the Charter, the Belgian delegation submits this draft to the General Assembly for its approval.

I have the honour to be, etc.

For the Head of the Delegation

R. Lebeau
Adviser of the Legation.

The Secretary-General
of the United Nations,
LAKE SUCCESS, L.I., N.Y.

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DRAFT TRUSTEESHIP AGREEMENT FOR THE TERRITORY
OF RUANDA-URUNDI
SUBMITTED BY THE BELGIAN GOVERNMENT

Whereas Ruanda-Urundi has been administered in accordance with Article 22 of the Covenant of the League of Nations under a Mandate conferred upon Belgium; and

Whereas Article 75 of the United Nations Charter signed at San Francisco on 26 June 1945 provides for the establishment of an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements; and

Whereas in virtue of the Mandate conferred upon Belgium over the said territory, the latter has been administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the provisions laid down in the Mandate, and whereas it is of importance, in the interests of the population of Ruanda-Urundi, to pursue the administrative and political development of the territory in question, in such a way as to promote the political, economic and social advancement of the inhabitants according to Article 76 of the Charter of the United Nations; and

Whereas under Article 77 of the said Charter the international trusteeship system may be applied to territories now held under mandate; and

Whereas the Belgian Government has indicated its desire to cause Ruanda-Urundi to be placed under the international trusteeship system; and

Whereas under Articles 75 and 77 of the Charter a territory may be placed under the trusteeship system by means of a trusteeship agreement; and

Whereas Articles 79, 83 and 85 provide that the terms of the trusteeship agreement shall be agreed upon by the States directly concerned and shall be approved by the United Nations,

approved by the United Nations,

The General Assembly, having noted that agreement between the States directly concerned, including the Mandatory Power, has been reached as required by Article 79 of the Charter, hereby decides, in accordance with Article 85, to approve the following terms of the trusteeship agreement in respect of Ruanda-Urundi.

ARTICLE 1

The present Trusteeship Agreement shall apply to the whole of the territory of Ruanda-Urundi as at present administered by Belgium and as defined by Article 1 of the Belgian Mandate and by the Treaty concluded in London on 22 November 1934, by Belgium and the United Kingdom.

ARTICLE 2

By the present Agreement, the Belgian Government is appointed the Administering Authority of Ruanda-Urundi, in accordance with Article 75 of the Charter. The said Government shall assume responsibility for the administration of the said territory.

ARTICLE 3

The Administering Authority undertakes to administer Ruanda-Urundi in a manner calculated to achieve the basic objectives of the International Trusteeship System as laid down in Article 76 of the United Nations Charter. The Administering Authority further undertakes to co-operate fully with the General Assembly of the United Nations and with the Trusteeship Council in the discharge of all their functions as defined in Article 87 of the United Nations Charter.

It likewise undertakes to facilitate such periodic visits to the trust territory as the General Assembly or the Trusteeship Council may decide to arrange, to decide jointly with these organs the dates on which such visits shall take place and also to agree jointly with them on all questions concerned with the organization and accomplishment of these visits.

ARTICLE 4

The Administering Authority shall ensure the maintenance of peace and order

as well as the good government and defence of the territory. The said Authority shall ensure that the territory shall play its part in the maintenance of international peace and security.

ARTICLE 5

For the above-mentioned purposes, and in order to fulfil the obligations arising under the Charter and the present Agreement, the Administering Authority:

1. shall have full powers of legislation, administration and jurisdiction in the territory of Ruanda-Urundi and shall administer it in accordance with Belgian law as an integral part of Belgian territory, subject to the provisions of the Charter and of this Agreement;
2. shall be entitled to constitute Ruanda-Urundi into a customs, fiscal or administrative union or federation with adjacent territories under its sovereignty and to establish common services between such territories and Ruanda-Urundi, provided that such measures are not inconsistent with the objectives of the International Trusteeship System and with the provisions of this Agreement;
3. may establish on the trust territory military bases, including air bases, erect fortifications, station its own armed forces and raise volunteer contingents therein.

The Administering Authority may likewise, within the limits laid down by the Charter, take all measures of organization and defence appropriate for ensuring:

1. the participation of the territory in the maintenance of international peace and security;
2. the respect for obligations concerning the assistance and facilities to be given by the Administering Authority to the Security Council;
3. the respect for internal law and order;
4. the defence of the territory within the framework of special agreements for the maintenance of international peace and security.

ARTICLE 6

The Administering Authority shall promote the development of political institutions appropriate to Ruanda-Urundi. To this end the Administering Authority shall ensure to the inhabitants of Ruanda-Urundi an increasing share in the administration and services, both central and local, of the territory; it shall further such participation of the inhabitants in the representative organs of the native population as may be appropriate to the particular conditions of the territory.

In short, the Administering Authority shall take all measures conducive to the political advancement of the population of Ruanda-Urundi: towards self-government, in accordance with Article 76 (b) of the Charter of the United Nations.

ARTICLE 7

The Administering Authority undertakes to apply to Ruanda-Urundi the provisions of all present or future international conventions and recommendations which may be appropriate to the particular conditions of the territory and which would be conducive to the achievement of the basic objectives of the International Trusteeship System.

ARTICLE 8

In framing the laws relating to the ownership of land and the rights over natural resources, and to their transfer, the Administering Authority shall take into consideration native laws and customs and respect the rights and safeguard the interests, both present and future, of the native population. No native land and no native-owned natural resources may be transferred, except between natives, without the previous consent of the competent public authority. No real rights over native land or native-owned resources of the sub-soil, in favour of non-natives, may be created except with the same consent.

ARTICLE 9

Subject to the provisions of the following Article, the Administering Authority shall take all necessary steps to ensure equal treatment in social, economic, industrial and commercial matters for all Members of the United

Nations and their nationals and to this end:

1. shall secure to all nationals of Members of the United Nations the same rights as are enjoyed by its own nationals in respect of entry into and residence in Ruanda-Urundi, freedom of transit and navigation, including freedom of transit and navigations by air, the acquisition of property, movable and immovable, the protection of person and property, and the exercise of professions and trades;
2. shall not discriminate on grounds of nationality against nationals of any Member of the United Nations in matters relating to the grant of concessions for the development of natural resources of the territory and shall not grant concessions having the character of a general monopoly;
3. shall ensure equal treatment in the administration of justice to the nationals of all Members of the United Nations.

The rights conferred by this Article on the nationals of Members of the United Nations apply equally to companies or associations controlled by such nationals and formed in accordance with the law of any Member of the United Nations.

ARTICLE 10

The application of the provisions of the preceding Article shall be subject to the overriding duty of the United Nations and of the Administering Authority to promote the political, economic, social and cultural advancement of the inhabitants of the territory, and to pursue the other objectives of the Trusteeship System as laid down in Article 76 of the Charter of the United Nations.

The Administering Authority shall, in particular, be free:

1. to organize essential public services and works on such terms and such conditions as it thinks just;
2. to create, in the interests of Ruanda-Urundi, monopolies of a purely fiscal character in order to provide the territory with the resources which seem best suited to local requirements;
3. to create under its supervision such other monopolies or undertakings

having in them an element of monopoly, provided always that:

- (i) they serve to promote the economic advancement of the inhabitants of the territory;
- (ii) that there shall result therefrom no preferential advantage inconsistent with the economic, commercial and industrial equality guaranteed in the preceding Article.

ARTICLE 11

No provision of this Agreement shall entitle any Member of the United Nations to claim for itself or for its nationals, companies, or associations, the application of more favourable treatment than that granted by such Member in its own territory to Ruanda-Urundi and its inhabitants.

ARTICLE 12

The Administering Authority shall develop the system of elementary education in the trust territory in order to reduce the number of illiterates, to train them in manual skill, and to improve the education of the population. The Administering Authority shall, so far as possible, provide the necessary facilities to enable qualified students to receive higher education, more especially professional education.

ARTICLE 13

The Administering Authority shall ensure throughout the trust territory complete freedom of conscience, freedom of religious instruction and the free exercise of all forms of worship which are consonant with public order and morality; all missionaries who are nationals of any Member of the United Nations shall be free to enter, travel and reside in the trust territory, to acquire and possess property, to erect religious buildings and to open schools and hospitals therein. The provisions of the present Article shall not, however, affect the duty of the Administering Authority to exercise such control as may be necessary for the maintenance of public order and good government and also the quality and progress of education.

ARTICLE 14

The Administering Authority shall guarantee to the inhabitants of the

trust territory freedom of speech, press, assembly, and petition, subject only to the requirements of public order.

ARTICLE 15

The Administering Authority may, on behalf of the trust territory, accept membership of any consultative regional commission (regional authority), technical organ, or other voluntary association of States. It may co-operate with specialized international agencies, whether public or private, and participate in other forms of international co-operation not inconsistent with the Charter.

ARTICLE 16

The Administering Authority shall make to the General Assembly of the United Nations an annual report on the basis of the questionnaire formulated by the Trusteeship Council in accordance with Article 88 of the Charter of the United Nations.

Such reports shall contain information regarding the measures taken in order to give effect to the suggestions and recommendations of the General Assembly and of the Trusteeship Council.

The Administering Authority shall appoint an accredited representative to attend the meetings of the Trusteeship Council at which the reports of the Administering Authority Ruanda-Urundi will be examined.

ARTICLE 17

Nothing in this Agreement shall affect the right of the Administering Authority to propose at any future date the designation of the whole or part of the territory as a strategic area in accordance with Article 82 and 83 of the Charter.

ARTICLE 18

The terms of the present Trusteeship Agreement may not be altered or amended except as provided in Articles 79, 83 or 85 of the Charter.

ARTICLE 19

If any dispute whatever should arise between the Administering Authority and another Member of the United Nations relating to the interpretation or the

application of the provisions of the present Trusteeship Agreement, such dispute, if it cannot be settled by negotiation, shall be submitted to the International Court of Justice provided for by Chapter XIV of the Charter of the United Nations.
